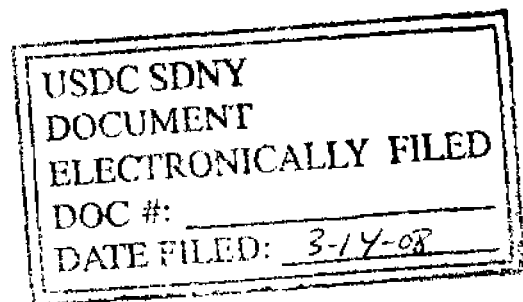


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*Attorneys for Defendant Merck & Co., Inc.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE:  
Fosamax Products Liability Litigation

1:06-md-1789 (JFK)

-----X  
*This Document Relates to:*  
Rose Evans, et al.  
v. Merck & Co., Inc.  
Case No: 1:07-cv-7289-JFK  
-----X

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs in the above captioned case and Defendant Merck & Co., Inc., ("Merck") through their respective undersigned counsel, as follows:

I. This case having been resolved upon the agreement of the above named Plaintiffs to voluntarily dismiss with prejudice their claims against Merck in the above-captioned case and the agreement of Merck not to seek from Plaintiffs its fees and costs, the following Plaintiffs are hereby dismissed from the above captioned case with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(ii):

Angelica Unson  
Betty Swan  
Betty Smith  
Burn Simonson  
Diane Salazar

BAZ 336513

Johnnie Ray  
Rose Evans  
Shawn Savage  
William Shepherd

2. Each party is to bear its own costs and attorneys' fees.

BA2/336513

Dated: February 22, 2008

PHILLIPS & ASSOCIATES

By 

Lowell W. Finson  
3030 N. Third St  
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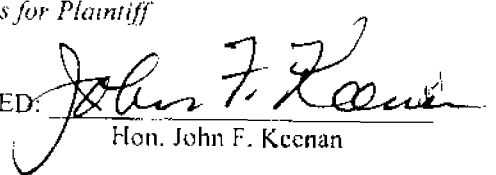
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By 

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New York, New York 10004  
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*Attorneys for Defendant Merck & Co, Inc.*

SO ORDERED: 

Hon. John F. Keenan

3/14/08